

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. 4:11 CV 77 RWS
v.)	
)	
AMEREN MISSOURI,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Plaintiff United States of America filed this lawsuit against Defendant Ameren Missouri at the request of the Administrator of the United States Environmental Protection Agency. Plaintiff assert various violations of state and federal law arising from Ameren's alleged modification of its Rush Island Plant. This matter is before me on Defendant's Motion to Strike Notice [#31] and Plaintiff's Motion for Leave to File an Amended Complaint [#33].

On June 3, 2011, Plaintiff filed a Notice with the Court indicating it may file a motion to amend its complaint and, due to statutory restrictions of the Clean Air Act, it would be unable to do so until June 27, 2011. At the time the Notice was filed, a hearing was set on July 11, 2011 on Defendant's Motions to Dismiss. Defendant filed a Motion to Strike Plaintiff's Notice [#31]. Defendant argues Plaintiff was not required to wait until June 27, 2011 to file an amended complaint. Defendant does not indicate under what authority it pursues its Motion. Under Rule 12(f), the court may strike matters from a pleading. Fed. R. Civ. P. 12(f). The Notice Defendant seeks to strike is not a pleading under Rule 7(a). As a result, I will deny Defendant's Motion to Strike.

Plaintiff filed a Motion for Leave to File an Amended Complaint on June 27, 2011. "A

court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). As a result, I will grant Plaintiff’s Motion.


Accordingly,

IT IS HEREBY ORDERED that Defendant’s Motion to Strike [#31] is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff’s Motion for Leave to File an Amended Complaint [#33] is **GRANTED**.

IT IS FURTHER ORDERED that Defendant’s Motions to Dismiss [#12 and #22] are **DENIED as moot**.

IT IS FINALLY ORDERED that the hearing set for **Monday, July 11, 2011 at 10:00 a.m.** is **VACATED**.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 28th day of June, 2011.